

1 Steve W. Berman (*pro hac vice*)  
2 Robert F. Lopez (*pro hac vice*)  
3 Theodore Wojcik (*pro hac vice*)  
4 HAGENS BERMAN SOBOL SHAPIRO LLP  
5 1301 Second Avenue, Suite 2000  
6 Seattle, WA 98101  
7 Telephone: (206) 623-7292  
8 Facsimile: (206) 623-0594  
9 steve@hbsslaw.com  
10 robl@hbsslaw.com  
11 tedw@hbsslaw.com

12 Shana E. Scarlett (SBN 217895)  
13 Benjamin J. Siegel (SBN 256260)  
14 Ben M. Harrington (SBN 313877)  
15 HAGENS BERMAN SOBOL SHAPIRO LLP  
16 715 Hearst Avenue, Suite 300  
17 Berkeley, CA 94710  
18 Telephone: (510) 725-3000  
19 Facsimile: (510) 725-3001  
20 shanas@hbsslaw.com  
21 bens@hbsslaw.com  
22 benh@hbsslaw.com

23 *Settlement Class Counsel*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DONALD R. CAMERON, et al.,

19 Plaintiffs,

20 v.

21 APPLE INC.

22 Defendant.

23 No. 4:19-cv-03074-YGR

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28  
**DEVELOPER PLAINTIFFS' NOTICE  
OF INITIAL POST-DISTRIBUTION  
ACCOUNTING AND PROPOSED  
SCHEDULE FOR FURTHER  
DISTRIBUTIONS**

Hon. Yvonne Gonzales Rogers

1           In accordance with the Northern District of California’s Procedural Guidance for Class  
 2 Action Settlements (“Procedural Guidance”), Developer Plaintiffs submit this Notice of Initial Post-  
 3 Distribution Accounting. Developer Plaintiffs also propose a schedule for further settlement  
 4 distributions, as to which Apple has no objection.

5           By Order dated June 10, 2022, this Court approved Developer Plaintiffs’ settlement with  
 6 Apple and authorized distributions to the settlement class. *See* ECF No. 491. After resolving  
 7 disputed claims, the settlement administrator (“Angeion”) commenced distributions on October 19,  
 8 2022. *See* Declaration of Steven Platt of Angeion Group Regarding Post Distribution Accounting of  
 9 Settlement Funds (“Platt Declaration”), dated June 29, 2023, ¶ 6 (filed concurrently herewith). On  
 10 October 20, 2022, this Court extended the deadline for a post-distribution accounting until July 7,  
 11 2023. *See* ECF No. 496.

12           As of the date of this submission, Angeion has issued settlement payments to 8,728 of 8,933  
 13 eligible claimants. *See* Platt Declaration ¶ 11. These payments total \$66,398,667 and 97 percent of  
 14 the Small Developer Assistance Fund available for distribution. *See id.* An accounting of these  
 15 initial distributions is set forth in the accompanying **Exhibit A**, which also provides further metrics  
 16 in accordance with this District’s Procedural Guidance.

17           Payments to 205 eligible claimants (approximately 2 percent of all eligible claimants) have  
 18 not been issued because Angeion has been unable to obtain valid tax identification numbers, as  
 19 required for IRS reporting purposes. *See id.* ¶¶ 5, 11. Angeion has made diligent efforts to secure  
 20 this information, including by obtaining tax identification information maintained by Apple and  
 21 through an email, mail, and phone outreach campaign. While these efforts yielded verifiable tax  
 22 identification numbers for most claimants, the 205 that have not received payments do not have valid  
 23 numbers on file with Apple and have been unreachable or otherwise unable to supply this  
 24 information despite Angeion’s best efforts. *See id.* ¶¶ 6-11.

25           Developer Plaintiffs have conferred with Apple and the parties agree that these 205 eligible  
 26 claimants should be extended a final opportunity to provide verifiable tax identification numbers  
 27 before their claims are denied and their settlement proceeds revert to the Small Developer Assistance

1 Fund for a second round of distribution. Specifically, and subject to the Court's authorization, the  
 2 parties propose the following process:

DATE	EVENT
<b>15 Days After Date of Entry of Accompanying Proposed Order ("Order Date")</b>	<b>Notice:</b> Final email notice to be sent to all eligible claimants who have not provided verifiable tax identification numbers. Such notice shall state prominently that claimants failing to cure within 60 days will forfeit their claims.
<b>75 Days After Order Date</b>	<b>Deadline to Cure:</b> Claimants who do not supply verifiable tax identification numbers by this date will forfeit their claims and their settlement proceeds will revert to the Small Developer Assistance Fund for a second round of distribution.
<b>No Later than 150 Days from Order Date</b>	<b>Second Distribution:</b> Angeion to commence second round of distribution to (1) eligible claimants who redeemed their initial payments, and (2) claimants who supplied verifiable tax identification numbers by the Deadline to Cure. <sup>1</sup> Checks from this second distribution shall be valid for six months after issuance and expire thereafter.
<b>21 Days After Checks from Second Distribution Expire</b>	<b>Supplemental Post-Distribution Accounting:</b> Developer Plaintiffs will file supplemental post-distribution accounting covering all settlement payments to date.

22 Developer Plaintiffs respectfully request that the Court enter the accompanying Proposed  
 23 Order implementing the foregoing process for further settlement distributions. Developer Plaintiffs  
 24 will post a copy of this submission, and any related Order that issues, on the Settlement Website.

25  
 26 <sup>1</sup> To maintain a pro rata allocation and expedite payments, distributions to any claimants  
 27 providing tax identification numbers by the Deadline to Cure shall include both the amounts they  
 28 were entitled to in the initial distribution, as well the amounts they would have received in a second  
 distribution had they cashed their initial payment.

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2 **Exhibit A (Initial Post-Distribution Accounting)**

3 <b>REQUESTED</b> 4 <b>INFORMATION<sup>2</sup></b>	5 <b>RESPONSE</b>	6 <b>SOURCE</b>
7 Total Settlement Fund	8 \$100 Million (cash fund)	9 ECF No. 491 at 2
10 Total Number of Class 11 Members	12 67,440	13 ECF No. 482 at ¶ 3
14 Total Number of Class 15 Members to Whom Notice 16 Was Sent and Not Returned 17 as Undeliverable	18 66,692 (99.3%)	19 ECF No. 477 at ¶ 6
20 Number and Percentage of 21 Approved Claim Forms 22 Submitted	23 8,933 (13.2%)	24 Platt Declaration (dated June 25 29, 2023) ¶ 4
26 Number and Percentage of 27 Opt-Outs	28 13 (.019%)	29 ECF No. 491 at 9
30 Number and Percentage of 31 Objections	32 1 (.001%)	33 ECF No. 491 at 9
34 Average Payment	35 \$7,667.08	36 Platt Declaration (dated June 37 29, 2023) ¶ 12
38 Median Payment	39 \$2,016.22	40 Platt Declaration (dated June 41 29, 2023) ¶ 12
42 Maximum Payment	43 \$120,973.23	44 Platt Declaration (dated June 45 29, 2023) ¶ 12
46 Minimum Recovery Per 47 Claimant	48 \$250	49 ECF No. 491, Ex. A at § 6.2
50 Methods of Notice	51 Email, Mail, Social Media, 52 Phone, Website	53 ECF No. 477 at ¶ 3
54 Methods of Payment	55 Physical Check or Electronic 56 Distribution (at Class 57 Member election)	58 ECF No. 491, Ex. A at § 6.5
59 Number and Value of Checks 60 Not Cashed	61 622 checks totaling 62 \$5,942,926.29	63 Platt Declaration (dated June 64 29, 2023) ¶ 13
65 Amounts Distributed to Cy 66 Pres Recipient	67 \$0 (any cy pres award will 68 follow second distribution)	69
70 Administrative Costs	71 \$604,913.55 (through June 72 29, 2023)	73 Platt Declaration (dated June 74 29, 2023) ¶ 14

28 <sup>2</sup> See Procedural Guidance, Post-Distribution Accounting, § 1(a).

1 REQUESTED INFORMATION <sup>2</sup>	2 RESPONSE	3 SOURCE
4 Attorneys' Fees and Costs	5 \$26,000,000 (fees) 6 \$3,500,000 (costs)	7 ECF No. 491 at 14
8 Attorneys' Fees as Percentage 9 of Settlement Fund	10 26% (of cash fund)	11 ECF No. 491 at 14
12 Class Counsel's Lodestar	13 \$10,923,265	14 ECF No. 491 at 14
15 Lodestar Multiplier	16 2.38	17 ECF No. 491 at 14

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DATED: June 29, 20239  
Respectfully submitted,10  
HAGENS BERMAN SOBOL SHAPIRO LLP11  
By /s/ Steve W. Berman  
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STEVE W. BERMAN (*pro hac vice*)13  
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16  
17  
Robert F. Lopez (*pro hac vice*)  
Theodore Wojcik (*pro hac vice*)  
1301 Second Avenue, Suite 2000  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
steve@hbsslaw.com  
robl@hbsslaw.com  
tedw@hbsslaw.com18  
19  
20  
21  
22  
23  
Shana E. Scarlett (SBN 217895)  
Benjamin J. Siegel (SBN 260260)  
Ben M. Harrington (SBN 313877)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
715 Hearst Avenue, Suite 300  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
shanas@hbsslaw.com  
bens@hbsslaw.com  
benh@hbsslaw.com24  
*Settlement Class Counsel*